

Memorandum

TO: Honorable Mayor and City Council

Thru: Jan Dolan, City Manager
Deborah Robberson, Acting City Attorney

FROM: Motorized Play Vehicle Staff Task Force
Mary O'Connor, Transportation General Manager
Judy Register, Citizen and Neighborhood Resources General Manager
Pat Dodds, Public Affairs Officer
Alan Rodbell, Chief of Police

DATE: September 27, 2005

RE: October 11, 2005 Council Work Study Session: Proposed revisions and options regarding restriction of motorized skateboards and similar vehicles

SUMMARY

On May 10, 2005, the Scottsdale City Council held a work study session on Motorized Play Vehicles (MPVs) and heard a staff presentation as well as public comments.

Council directed staff to return to the Council with:

- Additional information on citation activity on MPVs
- Assurance that the public meeting, at which Council would hear the two ordinance options, would be noticed to obtain broad input from the various stakeholders and to assure that youth are represented
- Two ordinance options, one banning MPVs and one modifying the current ordinance.

BACKGROUND

Motorized Play Vehicles are relatively new vehicles that have evolved from the inexpensive kick-scooter made popular in the 1990s. Scottsdale has regulated motorized skateboards since 1996, allowing them on some streets. Other Arizona cities are currently examining additional regulation or bans of MPVs from public rights-of-way because of an increasing number of complaints about noise and safety. The Scottsdale City Council directed staff to research issues regarding MPVs and obtain public comments about their use in Scottsdale, citizens' perceptions and other issues.

Arizona Revised Statutes, Title 28-627.D, states that the definition of motor vehicle prescribed in section 28-101 does not prevent a local authority from adopting ordinances that regulate or prohibit the operation of motorized skateboards, except that a local authority shall not adopt an ordinance that requires registration and licensing of motorized skateboards. A.R.S. § 28-101.32(a)(ii) defines a motorized skateboard as a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheels in contact with the ground.

In the past year, Phoenix and Tucson revised their ordinances to prohibit the operation of play vehicles on all public streets and rights-of-way. Other Arizona cities with this restriction include Avondale, Carefree, Surprise, and Show Low. Several other Valley cities have updated their ordinances to include motorized play vehicles and have added restrictions. The City of Chandler added time-of-day restrictions and now requires all helmets be approved for use on motorcycles. The City of Glendale will be considering a ban of motorized skateboards in November. They will not be defining motorized play vehicles.

The City of Scottsdale has regulated the operation of motorized skateboards since December 16, 1996, when the City Council passed Ordinance No. 2974. Scottsdale's ordinance has not been revised since 1996.

Key provisions in the current ordinance are:

- Operators must be at least 14 years of age and operators under 18 must wear a helmet and closed toe shoes.
- Motorized skateboards cannot be operated on a roadway with a speed limit greater than 25 mph.
- Motorized skateboards cannot be operated on a sidewalk, bicycle lane, the multi-use path system or in crosswalks.
- Motorized skateboards cannot be operated on private property without written permission of the property owner.
- Operators cannot transport passengers nor ride more than two abreast.

Injury Data

The U.S. Consumer Products Safety Commission estimates that motorized scooters were involved in 7,988 injuries in 2003, up from 5,860 in 2002. This represents a 36% increase in injuries in one year. Of those injured, 51.4% were under the age of 16. There is no data available to determine if the number of injuries is related strictly to an increase in ridership or if a higher percentage of riders are involved in collisions.

From October 31, 2003 through December 31, 2004, Scottsdale Healthcare's Trauma Center saw nine patients involved in motorized recreational scooter crashes. The vehicles described were all classified as mopeds, so it is unclear whether those injured were using a moped or a motorized skateboard. Data is unavailable to determine if this is an increase or decrease over previous years.

Noise Data

The City of Scottsdale's Environmental Quality Advisory Board has studied noise issues since 2001, taken citizen testimony during its deliberations, and issued a recommendation to Mayor/Council in 2003 that a comprehensive noise ordinance was not feasible. Various City offices, including the City's Call Center, receive an average of three complaints per month related to noise from motorized skateboards.

INFORMATION REQUESTED BY COUNCIL

Call and Citation Data - Scottsdale

From June 2003 through December 2004, the Scottsdale Police Department received 1,316 calls for service about motorized skateboards, mopeds and motorcycles. During

this period, 23 citations were issued for violations of Scottsdale Revised Codes 17-91 through 17-96. Two collisions involving motorized scooters were reported with one resulting in a fatality.

From January 1, 2005 through September 9, 2005 the Scottsdale Police Department received 253 calls for service about motorized skateboards, mopeds and motorcycles. During this period, six citations were issued for violations of Scottsdale Revised Codes 17-91 through 17-96.

Call and Citation Data - Phoenix and Tucson

Staff requested call and citation data from the Phoenix and Tucson police departments through August 2005. Phoenix reported that, in 2004, they received 12,000 calls about motorized skateboards/scooters before the ban. In the first 6 months after the ban, there was been a reduction of over 50% on calls and 63% on citations. Each month, the percentages increase. Responses from Tucson will be provided at the Work Study Session.

PUBLIC INPUT

Staff received a wide variety of comments and suggestions during the public input process from February 2005 through May 2005. The majority of comments were generated electronically – either via email directly to the Council or via the Web contact form. Letters were sent out to retailers soliciting input.

The Council had specified that youth in the community be included in any outreach efforts. Staff contacted the Service Learning Coordinator for the Scottsdale Unified School District to get permission to meet with one or more youth groups in the high schools and one middle school. The program leaders were unable to accommodate our request. Staff at Eldorado Park distributed flyers to youths who were stopped in the park for riding motorized play vehicles. The flyers invited the youth to contact the City regarding this issue or to attend one of the public meetings. Staff for teen programs sponsored by the City were also contacted and had small groups of teens with whom we could have met; however, we were able to get a large turnout of youth by a teacher who brought her government class to the first public meeting. At that time a number of youth spoke on the issue.

Of the electronic comments, the majority of respondents favored a complete ban of these devices. Those favoring an outright ban cited both safety and noise concerns. Additional comments and suggestions included increasing enforcement of the current ordinance, raising the age for users, banning gas-powered models in favor of electric devices, allowing use in bike lanes and along the path system and penalizing parents for violations of the current provisions in the ordinance. No comments were received from retailers regarding impacts on sales. One retailer spoke at the public meetings but did not address economic issues.

Notification of the October 11, 2005 Work Study Session was posted on the City's Web site, distributed to the media, sent to local schools and known stakeholders contacted personally.

ORDINANCE ALTERNATIVES

For discussion purposes, staff originally presented the definition of MPV adopted by the City of Kingman. The City of Phoenix MPV definition does not exclude toy carts. The City of Glendale is not expected to define MPV when they address the issue in November.

The definition of motorized play vehicle included in the proposed ordinance alternatives has been modified to remove "scooter." Including scooter under the definition of motorized play vehicle is preempted by Title 28 and not authorized by A.R.S. Section 28-627.

Motorized play vehicle means a coaster, scooter any other alternatively fueled device (excluding battery operated toy carts designed for children under the age of eight (8) years to ride in or on) or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined in A.R.S. Title 28, as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

Ordinance Restricting Use (Option A)

Revisions to City of Scottsdale Revised Ordinance, Article IV, Section 17-90 to 17-97 to further restrict the operation of motorized skateboards and similar vehicles.

This option includes the following modifications:

- Expands the restriction from City parking structures and City parks to include all public property except streets. (Does not change any of the current restrictions on streets. The devices will still be allowed on streets where the established speed limit is not greater than 25 mph.)
- Updates the definition of child.
- Changes the definition of motorized skateboard to match Arizona Revised Statutes Title 28.
- Adds a definition of motorized play vehicles.
- Prohibits alterations from the manufacturer's design.
- Restricts hours of operation to 8:00 a.m. to 8:00 p.m.
- Requires a rear lamp must be used at night.
- Clarifies helmet minimum standards.
- Requires sellers to post signs with certain sections of this ordinance in a conspicuous manner.

Possible modifications to this version of the draft ordinance:

Hours of operation: The recommended hours of operation (8 a.m. to 8 p.m.) could be modified. Other communities have used 7 a.m. to 8 p.m.

Helmet requirement: The City could require that motorcycle helmets be used instead of bicycle helmets.

Responsibility of Custodian: Some communities make custodians jointly liable for fines imposed on children, whether or not the custodian knew or could anticipate a violation of the ordinance. Council could consider a similar statement.

Responsibility of Merchant: The City could require merchants to provide purchasers of motorized skateboards and motorized play vehicles copies of the ordinance.

Ordinance Banning Use (Option B)

Revision of City of Scottsdale Revised Ordinance, Article IV, Section 17-90 to 17-97 to ban the operation of motorized skateboards and similar vehicles on all public property within the City of Scottsdale.

This option includes the following modifications:

- Prohibits operation of the devices on all public property.
- Updates the definition of child.
- Changes the definition of motorized skateboard to match Arizona Revised Statutes Title 28.
- Adds a definition of motorized play vehicles.
- Requires sellers to post signs with certain sections of this ordinance in a conspicuous manner.

When operated on private property, the following modifications apply:

- Prohibits alterations from the manufacturer's design.
- Restricts hours of operation to 8:00 a.m. to 8:00 p.m.
- Requires a rear lamp must be used at night.
- Clarifies helmet minimum standards.

Possible modifications to this version of the draft ordinance:

Public vs. private streets: Council could decide to apply the ban to all streets, not just public streets. The additional restrictions regarding alterations to design, hours of operation, lighting, and helmets for private streets could also be eliminated.

Helmet requirement: The City could require that motorcycle helmets be used instead of bicycle helmets.

Responsibility of Custodian: Some communities make custodians jointly liable for fines imposed on children, whether or not the custodian knew or could anticipate a violation of the ordinance. Council could consider a similar statement.

No Change to Current Ordinance (Option C)

No change to the ordinance is also an option.

STAFF CONTACTS

The following staff were involved in the development of this report:

Kathryn Anderson, Assistant City Attorney
Lisa Blyler, Assistant to the Mayor and City Council
Pat Dodds, Public Affairs Officer
Reed Kempton, Transportation Planner, Transportation
Mary O'Connor, Transportation General Manager
Larry Person, Environmental Planner, Preservation
Judy Register, Citizen and Neighborhood Resources General Manager
Bruce Wall, Neighborhood Safety Coordinator, Citizen & Neighborhood Resources
William Wilton, Commander, Office of the Chief, Police Department

ATTACHMENTS

1. City of Scottsdale, Current Ordinance
2. Community Comparisons of MPV Ordinances
3. Option A: Draft Ordinance Restricting Use
4. Option B: Draft Ordinance Banning Use on Public Property

October 11, 2005 Council Work Study
Attachment 2: Community Comparisons

Ordinance Comparisons of Arizona communities with bans on motorized skateboards or motorized play vehicles.

Current regulations as of September 22, 2005

Arizona communities with prohibitions from **ALL** public streets and ROW:

Avondale
Carefree
Phoenix
Surprise
Show Low
Tucson

Arizona communities with some restrictions:

Camp Verde (age 14+)
Chandler (age 13+)
El Mirage
Fountain Hills (age 14+)
Gilbert (age 13+)
Glendale (age 14+)
Goodyear
Kingman (age 13+)
Litchfield Park (age 14+)
Mesa (age 14+)
Paradise Valley (age 14+)
Peoria
Scottsdale (age 14+)
Tempe (age 14+)
Yuma (age 16+)

Data was collected primarily by checking the Revised Codes for each community through their on-line resources.

How does the proposed ban alternative (Option B) in Scottsdale compare with those in other Arizona communities?

Definitions:

- Phoenix, Tucson, and Show Low further clarify the definitions of motorized skateboard and motorized play vehicle by adding the terms “gas or electric” after the word “motor” or “engine.” Given constantly changing technology and hybrid motors, staff recommends not limiting engines to “gas or electric.”

- Surprise defines motorized play vehicles similar to Phoenix but leaves out “gas or electric.”
- Glendale will be addressing only motorized skateboards. They do not plan to add a definition for motorized play vehicles.
- Avondale defines motorized skateboards/go-peds.
- Carefree defines motorized skateboards and motorized go-ped scooters.
- Scottsdale has carved out an exception for toy carts, as did Kingman, in the definition of motorized play vehicle. Scottsdale has removed the term “scooter” from the definition of motorized play vehicle since Arizona Revised Statutes define a motor scooter as a motor driven cycle. Scottsdale does not use the term “Go-Ped” as it is a registered trademark of one manufacturer of motorized skateboards.

Prohibitions:

- Phoenix, Show Low, and the Scottsdale ban alternative prohibits motorized skateboards and motorized play vehicles from operating on public streets, and private streets without written permission from the landowners, i.e. homeowners associations, generally. Tucson makes no distinction between public and private streets, and prohibits operation on any street. Scottsdale also makes a distinction for private streets by requiring skateboard lights there, when skateboards are otherwise banned from public streets.
- Avondale prohibits motorized skateboards on any City property.
- Carefree prohibits motorized skateboards on any street, sidewalk or parking lot. No reference is made to public or private.
- Surprise prohibits motorized play vehicles on all public and private streets, sidewalks and paths.
- Phoenix, Avondale, Tucson and the Scottsdale ban alternative all prohibits motorized skateboards and motorized play vehicles from private property without written permission from the property owner.
- Phoenix and Tucson explicitly prohibit skateboard operation in “a manner causing excessive, unnecessary or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.”

Other regulations:

- Phoenix, Tucson, and Show Low limit their regulation of motorized skateboards and motorized play vehicles to the ban. Scottsdale’s proposed alternative regulations cover several safety issues and safety equipment.

Responsibility of custodian:

- Phoenix, Tucson, Show Low and Carefree address a custodian’s responsibility: custodians are jointly liable for fines imposed on children, whether or not the custodian knew or could anticipate a violation of the

ordinance. The proposed Scottsdale alternative does not have a similar provision.

Responsibility of merchant:

- Tucson, Avondale, Surprise, Show Low and Carefree impose no requirements on merchants.
- Phoenix requires merchants to post the prohibitions, as proposed by Scottsdale, but also requires merchants to provide purchasers of motorized skateboards and motorized play vehicles copies of the prohibitions.
- The Scottsdale ban alternative requires merchants to post notice that some insurance policies will not cover liability claims involving motorized skateboards and motorized play vehicles.
- Glendale anticipates no requirements on merchants.

bicycles thereon by any person, and, when such signs are in place, no person shall disobey the same.

(Code 1972, § 11-618)

Sec. 17-84. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1972, § 11-620(4))

Sec. 17-85. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

(Code 1972, § 11-620(5))

Sec. 17-86. Riding in prohibited areas.

No person shall ride a bicycle, skateboard, roller skates or any other nonself-propelled vehicle or device, except wheelchairs, in or upon any area having posted signs expressly prohibiting said self-propelled vehicles or devices.

(Code 1972, § 11-620(6))

Sec. 17-87. Exceptions.

The prohibitions set forth in sections 17-83 and 17-86 of this article shall not apply to law enforcement officials while engaged in the performance of their official duties.

(Ord. No. 2368, 7-1-91)

Secs. 17-88, 17-89. Reserved.

DIVISION 2. MOTORIZED SKATEBOARDS

Sec. 17-90. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Child or *juvenile* means an individual who is under the age of eighteen (18) years.

Custodian means a person who has lawful custody of a child.

Motorized skateboard means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle" or "motorized wheelchair."

Motorized wheelchair means a self-propelled vehicle that is designed for and used by a physically challenged, injured, or incapacitated person.

Multiuse path means an off-road hard surfaced path which may be separated from motorized vehicle traffic by an open space or barrier. A multiuse path is used exclusively for pedestrians, and any human-powered vehicles or devices.

Owner means any person holding the legal title of a motorized skateboard, or any person who is a lessee, conditional vendee or mortgagor of a motorized skateboard with a right to immediate possession.

Vehicle means a device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-91. Application of traffic laws.

Every person operating a motorized skateboard upon a roadway, or any shoulder adjoining a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application. This section shall not be construed to require the licensing or registration of motorized skateboards, the licensing of motorized skateboard operators, or the carrying of insurance covering accidents involving motorized skateboards.

(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-92. Responsibility of parents, guardians, and custodians.

No person shall, if a parent, guardian, or custodian of a child, authorize or knowingly permit any child to violate this article.

(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-93. Prohibited operation.

No person shall operate a motorized skateboard:

- (1) On any sidewalk in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.
- (2) In any city parking structure or city park, except for use on public roadways within such park.
- (3) On any public property that has been posted or designated by the owner of such property as an area prohibiting "skateboards."
- (4) On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.
- (5) On any private property of another, or any public property which is not held open to the public for vehicle use, without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.
- (6) On any sidewalk, or any designated bicycle lane, bicycle path, or multiuse path.

(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-94. General operating restrictions.

(a) No child under the age of fourteen (14) years shall operate a motorized skateboard.

(b) No person shall operate a motorized skateboard at a speed greater than is reasonable and prudent under the circumstances then existing.

(c) The operator of a motorized skateboard, approaching a sidewalk, bicycle path, bicycle lane, or multiuse path in order to cross such, shall yield the right-of-way to all other users.

(d) No operator of a motorized skateboard shall allow passengers when the motorized skateboard is in operation or motion.

(e) No person operating or riding upon a motorized skateboard shall attach themselves or the motorized skateboard in any manner to any other vehicle.

(f) No person shall operate a motorized skateboard while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.

(g) No person, other than the owner, shall operate a motorized skateboard without the written permission of the owner.

(h) No person shall operate a motorized skateboard that has been structurally altered from the original manufacturer's design.

(i) No person shall operate a motorized skateboard in a crosswalk.

(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-95. Operating restrictions on roadway.

(a) A person operating a motorized skateboard on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:

- (1) If overtaking and passing a bicycle or vehicle proceeding in the same direction.
- (2) If preparing for left turn at an intersection or into a private roadway or driveway.
- (3) If reasonably necessary to avoid hazardous conditions ahead in the roadway.
- (4) If the lane in which the person is operating the motorized skateboard is too narrow.

row for a motorized skateboard and a bicycle or another vehicle to travel safely side by side within the lane.

(b) No operation of a motorized skateboard shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.

(c) Persons operating motorized skateboards on the roadway shall not ride more than two (2) abreast.
(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-96. Required safety equipment.

(a) No person shall operate a motorized skateboard without a head lamp emitting a beam and a red rear reflector anytime from sunset to sunrise, or any other time when there is no sufficient light to render clearly discernible persons or vehicles on the roadway.

- (1) A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet.
- (2) A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet.
- (3) A rear red lamp visible from a distance of five hundred (500) feet to the rear may be used in addition to the rear red reflector.

(b) No person shall operate a motorized skateboard unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on pavement.

(c) Any child operator of a motorized skateboard being operated on a roadway shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspected by the bicycle industry.

(d) No person shall operate a motorized skateboard without wearing footwear. The footwear must have a sole and completely cover the feet and toes.
(Ord. No. 2974, § 4, 12-16-96)

Sec. 17-97. Violations.

Violations of this article are civil traffic infractions to which the provisions of section 17-2 of this chapter shall apply.
(Ord. No. 2974, § 4, 12-16-96)

DIVISION 3. MULTIUSE PATHS

Sec. 17-98. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly requires a different meaning:

Human-powered means movement accomplished or propelled by human power, such as walking, running, or by any vehicle or device which is designed and equipped to be propelled by human power, without any assistance by a motor or power unit (e.g. bicycle, roller skates, skateboard, wheel chair).

Multiuse path means an off-road hard-surfaced path, that may be separated from motorized vehicular traffic by an open space or barrier, which has been designated, or designed and designated by the city for public use for human-powered travel or movement.

Pedestrian means a person who is either walking, jogging or running on the multiuse path. Pedestrian also means a person with a disability, who is using a motorized or human powered-wheelchair on the multiuse path.

User means any person who is traveling on or is otherwise lawfully using a multiuse path, as provided in this division, and includes pedestrians.
(Ord. No. 3186, § 2, 8-31-98)

Sec. 17-99. General; right-of-way; use of multiuse path.

(a) Multiuse paths are for the exclusive use of pedestrians and any human-powered vehicles or devices.

**ADDITIONAL RESTRICTIONS ON OPERATING MOTORIZED SKATEBOARD AND
MOTORIZED PLAY VEHICLES ON PUBLIC STREETS**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE IV, CHAPTER 17, OF THE SCOTTSDALE REVISED CODE, RELATING TO MOTOR VEHICLES AND TRAFFIC.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 17-90 of the Scottsdale Revised Code, relating to definitions for Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-90. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Child or juvenile means ~~an individual~~ **A PERSON** who is under the age of eighteen (18) years.

Custodian means a person who has lawful custody of a child.

Motorized skateboard means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) **TANDEM** wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," or "motorized wheelchair," **OR "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE"**.

MOTORIZED PLAY VEHICLE MEANS A COASTER, ANY OTHER ALTERNATIVELY FUELED DEVICE (EXCLUDING BATTERY-OPERATED TOY CARTS DESIGNED FOR CHILDREN UNDER THE AGE OF EIGHT (8) YEARS TO RIDE IN OR ON), OR OTHER MOTORIZED VEHICLE THAT IS SELF-PROPELLED BY A MOTOR OR ENGINE, AND WHICH IS NOT OTHERWISE DEFINED IN ARIZONA REVISED STATUTES TITLE 28, AS AMENDED, AS A "MOTOR VEHICLE," "MOTORCYCLE," "MOTOR-DRIVEN CYCLE," OR "MOTORIZED WHEELCHAIR," OR "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE".

Motorized wheelchair means a self-propelled vehicle that is designed for and used by a physically challenged, injured or incapacitated person.

Multiuse path means an off-road hard surfaced path which may be separated from motorized vehicle traffic by an open space or barrier. A multiuse path is used exclusively for pedestrians, and any human-powered vehicles or devices.

~~Owner means any person holding the legal title of a motorized skateboard, or any person who is a lessee, conditional vendee or mortgagor of a motorized skateboard with a right to immediate possession.~~

Vehicle means a device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 2. Section 17-91 of the Scottsdale Revised Code, relating to traffic laws for Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-91. Application of traffic laws.

Every person operating a motorized skateboard **OR MOTORIZED PLAY VEHICLE** upon a roadway, or any shoulder adjoining a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application. This section shall not be construed to require the licensing or registration of motorized skateboards **OR MOTORIZED PLAY VEHICLES**, the licensing of motorized skateboard **OR MOTORIZED PLAY VEHICLE** operators, or the carrying of insurance covering accidents involving motorized skateboards **OR MOTORIZED PLAY VEHICLES**.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 3. Section 17-92 of the Scottsdale Revised Code, relating to custodians of children using Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-92. Responsibility of custodians.

~~No person shall, if a parent, guardian or custodian of a child~~ **SHALL** authorize or knowingly permit any child to violate this article.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 4. Section 17-93 of the Scottsdale Revised Code, relating to prohibited operations of Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-93. Prohibited operation.

No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE**:

- (1) On any sidewalk in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway.
- (2) In any city parking structure, or city park, **OR OTHER PUBLIC PROPERTY** except for use on public roadways within such **A CITY** park.

- (3) On any ~~public~~ **PRIVATE** property that has been posted or designated by the owner of such property as an area prohibiting "skateboards."
- (4) On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.
- (3) On any private property of another, ~~or any public property which is not held open to the public for vehicle use~~, without the written permission of the **PROPERTY** owner, the person entitled to immediate possession of the property, or the authorized agent of either.
- (6) On any sidewalk, or any designated bicycle lane, ~~bicycle path~~ or multiuse path.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 5. Section 17-94 of the Scottsdale Revised Code, relating to general operating restrictions on Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-94. General operating restrictions.

- (a) No child under the age of fourteen (14) years shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE**.
- (b) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** at a speed greater than is reasonable and prudent under the circumstances then existing.
- (c) The operator of a motorized skateboard **OR MOTORIZED PLAY VEHICLE**, approaching a sidewalk, ~~bicycle path~~, bicycle lane, or multiuse path in order to cross such, shall yield the right-of-way to all other users.
- (d) No operator of a motorized skateboard **OR MOTORIZED PLAY VEHICLE** shall allow passengers when the motorized skateboard **OR MOTORIZED PLAY VEHICLE** is in operation or motion.
- (e) No person operating or riding upon a motorized skateboard **OR MOTORIZED PLAY VEHICLE** shall attach themselves or the motorized skateboard **OR MOTORIZED PLAY VEHICLE** in any manner to any other vehicle.
- (f) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.
- (g) No person, other than the owner, shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** without the written permission of the owner.
- (h) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** that has been structurally altered from the original manufacturer's design.

- (i) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** in a crosswalk.

(J) NO OPERATOR OF A MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE SHALL TRANSPORT EXTRA FUEL IN A SEPARATE CONTAINER OR ALTER THE FUEL RESERVOIR FROM THE ORIGINAL MANUFACTURER'S DESIGN. THIS PROHIBITS PHYSICALLY ATTACHING FUEL PACKS OR CONTAINERS TO THE OPERATOR'S PERSON.

(K) MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES MAY ONLY BE OPERATED BETWEEN THE HOURS OF 8:00AM AND 8:00PM.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 6. Section 17-95 of the Scottsdale Revised Code, relating to roadway operation of Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-95. Operating restrictions on roadway.

- (a) A person operating a motorized skateboard **OR MOTORIZED PLAY VEHICLE** on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:
 - (1) If overtaking and passing a bicycle or vehicle proceeding in the same direction.
 - (2) If preparing for left turn at an intersection or into a private roadway or driveway.
 - (3) If reasonably necessary to avoid hazardous conditions ahead in the roadway.
 - (4) If the lane in which the person is operating the motorized skateboard **OR MOTORIZED PLAY VEHICLE** is too narrow for a motorized skateboard **OR MOTORIZED PLAY VEHICLE** and a bicycle or another vehicle to travel safely side by side within the lane.
- ~~(b) No operation of a motorized skateboard or shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.~~
- ~~(c)~~**(B)** Persons operating motorized skateboards **OR MOTORIZED PLAY VEHICLES** on the roadway shall not ride more than two (2) abreast.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 7. Section 17-96 of the Scottsdale Revised Code, relating to required safety equipment for Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-96. Required safety equipment.

- (a) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** without a head lamp **AND REAR LAMP** emitting a **THE FOLLOWING** beamS and a red rear reflector anytime **AFTER** sunset to sunrise, or any other time when there is no sufficient light to render clearly discernible persons or vehicles on the roadway **INSUFFICIENT LIGHT TO OPERATE THE MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE SAFELY:**
- (1) A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet.
 - (2) A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet.
 - (3)(2) A rear red lamp **SHALL EMIT A RED LIGHT** visible from **THE BACK** **AT** a distance of **NO LESS THAN** five hundred (500) feet to the rear may be used in addition to the rear red reflector.
- (b) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on the pavement.
- (c) Any child operator of a motorized skateboard being operated on a roadway **OR MOTORIZED PLAY VEHICLE** shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspected by the bicycle industry **THE CONSUMER PRODUCTS SAFETY COMMISSION FOR BICYCLE HELMETS.**
- (d) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** without wearing footwear. The footwear must have a sole and completely cover the feet and toes.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 8. A new section 17-97 of the Scottsdale Revised Code, relating to seller responsibilities, is hereby added, and shall read as follows:

Sec. 17-97. RESPONSIBILITIES OF SELLERS.

ANY PERSON WHO SELLS A NEW MOTORIZED SKATEBOARD OR A NEW MOTORIZED PLAY VEHICLE IN THE CITY SHALL POST THE FOLLOWING IN A CONSPICUOUS MANNER AT THE PLACE OF SALE:

- (1) SECTIONS 17-92, 17-93, 17-94, 17-95 AND 17-96 OF THIS ORDINANCE, AND**
- (2) NOTICE THAT SOME INSURANCE POLICIES WILL NOT COVER LIABILITY CLAIMS INVOLVING MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES.**

Section 9. Section 17-97 of the Scottsdale Revised Code, relating to violations, is hereby amended, and shall be renumbered and read as follows:

Sec. 17-98. Violations.

Violations of **SECTIONS 17-91, 17-92, 17-93, 17-94, 17-95 AND 17-96** OF this article are civil traffic violations to which the provisions of section 17-2 of this article shall apply. **A VIOLATION OF SECTION 17-97 OF THIS ARTICLE IS A CIVIL VIOLATION AND SHALL BE CITED AND PENALIZED IN THE SAME MANNER AS PROVIDED BY LAW FOR OTHER CIVIL VIOLATIONS.**

(Ord. No. 2974, Sec. 4, 12-16-96)

PASSED AND ADOPTED by the City Council of the City of Scottsdale this ____ day of _____, 2005.

CITY OF SCOTTSDALE, an
Arizona municipal corporation

ATTEST:

Carolyn Jagger
City Clerk

Mary Manross
Mayor

APPROVED AS TO FORM:

City Attorney

**BANNING OPERATION OF MOTORIZED SKATEBOARDS AND MOTORIZED PLAY
VEHICLES ON PUBLIC STREETS AND OTHER PUBLIC PROPERTY**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE IV, CHAPTER 17, OF THE SCOTTSDALE REVISED CODE, RELATING TO MOTOR VEHICLES AND TRAFFIC.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 17-90 of the Scottsdale Revised Code, relating to definitions for Motorized Skateboards, is hereby amended, and shall read as follows:

Sec. 17-90. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

~~Child or juvenile~~ means an individual **A PERSON** who is under the age of eighteen (18) years.

Custodian means a person who has lawful custody of a child.

Motorized skateboard means a self-propelled device which has a motor, a deck on which a person may ride and at least two (2) **TANDEM** wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes Title 28, as amended, as a "motor vehicle," "motorcycle," "motor-driven cycle," or "motorized wheelchair," **OR "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE."**

MOTORIZED PLAY VEHICLE MEANS A COASTER, ANY OTHER ALTERNATIVELY FUELED DEVICE (EXCLUDING BATTERY OPERATED TOY CARTS DESIGNED FOR CHILDREN UNDER THE AGE OF EIGHT (8) YEARS TO RIDE IN OR ON), OR OTHER MOTORIZED VEHICLE THAT IS SELF-PROPELLED BY A MOTOR OR ENGINE, AND WHICH IS NOT OTHERWISE DEFINED IN ARIZONA REVISED STATUTES TITLE 28, AS AMENDED, AS A "MOTOR VEHICLE," "MOTORCYCLE," "MOTOR-DRIVEN CYCLE," "MOTORIZED WHEELCHAIR," OR "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE."

Motorized wheelchair means a self-propelled vehicle that is designed for and used by a physically challenged, injured or incapacitated person.

Multiuse path means an off-road hard surfaced path which may be separated from motorized vehicle traffic by an open space or barrier. A multiuse path is used exclusively for pedestrians, and any human-powered vehicles or devices.

~~Owner means any person holding the legal title of a motorized skateboard, or any person who is a lessee, conditional vendee or mortgagor of a motorized skateboard with a right to immediate possession.~~

PRIVATE STREET MEANS A TRACT OR EASEMENT USED FOR ROAD, WALKWAY OR BIKEWAY PURPOSES, WHETHER OR NOT IMPROVED, BUT NOT ACCEPTED OR MAINTAINED BY THE CITY.

Vehicle means a device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 2. Section 17-91 of the Scottsdale Revised Code, relating to traffic laws for Motorized Skateboards, is hereby deleted:

~~Sec. 17-91. Application of traffic laws.~~

~~Every person operating a motorized skateboard upon a roadway, or any shoulder adjoining a roadway shall be granted all rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic laws of the city applicable to the driver of a vehicle, except as to special regulations herein and except as to those provisions which by their nature can have no application. This section shall not be construed to require the licensing or registration of motorized skateboards, the licensing of motorized skateboard operators, or the carrying of insurance covering accidents involving motorized skateboards.~~

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 3. Section 17-92 of the Scottsdale Revised Code, relating to custodians of children using Motorized Skateboards is hereby amended, and shall be renumbered and read as follows:

~~Sec. 17-91. Responsibility of parents, guardians and custodians.~~

No person shall, if a parent, guardian or custodian of a child **SHALL** authorize or knowingly permit any child to violate this article.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 4. Section 17-93 of the Scottsdale Revised Code, relating to prohibited operations of Motorized Skateboards, is hereby amended, and shall be renumbered and read as follows:

~~Sec. 17-92. Prohibited operation~~ OPERATION PROHIBITED ON PUBLIC PROPERTY.

No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE:**

- (1) On any **CITY** sidewalk, in the city, except for use in crossing such sidewalk by the most direct route to gain access to any public or private road or driveway

ROADWAY OR ANY OTHER PART OF A STREET OR HIGHWAY, OR ON ANY BIKEWAY, BICYCLE LANE, EQUESTRIAN TRAIL OR MULTIUSE PATH.

- (2) In any city parking structure, or city park, ~~except for use on public roadways within such park~~ **OR OTHER PUBLIC PROPERTY.**
- (3) ~~On any public property that has been posted or designated by the owner of such property as an area prohibiting "skateboards."~~
- (4) ~~On any public roadway consisting of a total of four (4) or more marked traffic lanes, or having an established speed limit of greater than twenty-five (25) miles per hour.~~
- (3) On any private property of another, or any public property which is not held open to the public for vehicle use, without the written permission of the **PROPERTY** owner, the person entitled to immediate possession of the property, or the authorized agent of either.
- (6) ~~On any sidewalk, or any designated bicycle lane, bicycle path or multiuse path.~~

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 5. Section 17-94 of the Scottsdale Revised Code, relating to general operating restrictions on Motorized Skateboards is hereby amended, and shall be renumbered and read as follows:

Sec. 17-93. General operating restrictions ON PRIVATE PROPERTY, INCLUDING PRIVATE STREETS.

- (a) No child under the age of fourteen (14) years shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE.**
- (b) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** at a speed greater than is reasonable and prudent under the circumstances then existing.
- (c) The operator of a motorized skateboard **OR MOTORIZED PLAY VEHICLE**, approaching a sidewalk, ~~bicycle path~~, bicycle lane, or multiuse path in order to cross such, shall yield the right-of-way to all other users.
- (d) No operator of a motorized skateboard **OR MOTORIZED PLAY VEHICLE** shall allow passengers when the motorized skateboard **OR MOTORIZED PLAY VEHICLE** is in operation or motion.
- (e) No person operating or riding upon a motorized skateboard **OR MOTORIZED PLAY VEHICLE** shall attach themselves or the motorized skateboard **OR MOTORIZED PLAY VEHICLE** in any manner to any other vehicle.
- (f) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.

- (g) No person, other than the owner, shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** without the written permission of the owner.
- (h) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** that has been structurally altered from the original manufacturer's design.
- (i) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** in a crosswalk.
- (J) NO OPERATOR OF A MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE SHALL TRANSPORT EXTRA FUEL IN A SEPARATE CONTAINER OR ALTER THE FUEL RESERVOIR FROM THE ORIGINAL MANUFACTURER'S DESIGN. THIS PROHIBITS PHYSICALLY ATTACHING FUEL PACKS OR CONTAINERS TO THE OPERATOR'S PERSON.**
- (K) MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES MAY ONLY BE OPERATED BETWEEN THE HOURS OF 8:00AM AND 8:00PM.**

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 6. Section 17-95 of the Scottsdale Revised Code, relating to roadway operation of Motorized Skateboards, is hereby deleted:

~~Sec. 17-95. Operating restrictions on roadway.~~

- ~~(a) A person operating a motorized skateboard on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions and when the movement can be made in safety:

 - ~~(1) If overtaking and passing a bicycle or vehicle proceeding in the same direction.~~
 - ~~(2) If preparing for left turn at an intersection or into a private roadway or driveway.~~
 - ~~(3) If reasonably necessary to avoid hazardous conditions ahead in the roadway.~~
 - ~~(4) If the lane in which the person is operating the motorized skateboard is too narrow for a motorized skateboard and a bicycle or another vehicle to travel safely side by side within the lane.~~~~
- ~~(b) No operation of a motorized skateboard shall transport extra fuel in a separate container or alter the fuel reservoir from the original manufacturer's design. This includes the prohibition of physically attaching fuel packs or containers to the operator's person.~~
- ~~(c) Persons operating motorized skateboards on the roadway shall not ride more than two (2) abreast.~~

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 7. Section 17-96 of the Scottsdale Revised Code, relating to required safety equipment is hereby amended, and shall be renumbered and read as follows

Sec. 17-94. Required safety equipment.

- (a) ~~No~~ **WHEN OPERATING A MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE ON A PRIVATE STREET,** A person shall operate a motorized skateboard without ~~USE~~ a head lamp **AND REAR LAMP** emitting a ~~THE FOLLOWING beams~~ and a red rear reflector anytime ~~AFTER~~ sunset to sunrise, or any other time when there is no sufficient light to render clearly discernible persons or vehicles on the roadway **INSUFFICIENT LIGHT TO OPERATE THE MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE SAFELY:**
- (1) A head lamp shall emit a white light and be visible from the front at a distance no less than five hundred (500) feet.
 - (2) A rear red reflector shall be visible when illuminated by a vehicle head lamp from a distance of not less than three hundred (300) feet.
 - ~~(3)~~ (2) A rear red lamp **SHALL EMIT A RED LIGHT** visible from **THE BACK AT** a distance of **NO LESS THAN** five hundred (500) feet to the rear may be used in addition to the rear red reflector.
- (b) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** unless it is equipped with a brake which enables the operator to make a braked wheel(s) skid on the pavement.
- (c) Any child operator of a motorized skateboard being operated on a roadway **OR MOTORIZED PLAY VEHICLE** shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner. The helmet shall meet minimum standards of testing and safety inspected by the bicycle industry **THE CONSUMER PRODUCTS SAFETY COMMISSION FOR BICYCLE HELMETS.**
- (d) No person shall operate a motorized skateboard **OR MOTORIZED PLAY VEHICLE** without wearing footwear. The footwear must have a sole and completely cover the feet and toes.

(Ord. No. 2974, Sec. 4, 12-16-96)

Section 8. A new section 17-95 of the Scottsdale Revised Code, relating to seller responsibilities, is hereby added, and shall read as follows:

Sec. 17-95. RESPONSIBILITIES OF SELLERS.

ANY PERSON WHO SELLS A NEW MOTORIZED SKATEBOARD OR A NEW MOTORIZED PLAY VEHICLE IN THE CITY SHALL POST THE FOLLOWING IN A CONSPICUOUS MANNER AT THE PLACE OF SALE:

- (1) SECTIONS 17-91, 17-92, 17-93 AND 17-94 OF THIS ORDINANCE, AND**

(2) NOTICE THAT SOME INSURANCE POLICIES WILL NOT COVER LIABILITY CLAIMS INVOLVING MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES.

Section 9. Section 17-98 of the Scottsdale Revised Code, relating to violations, is hereby amended, and shall be renumbered and read as follows:

Sec. 17-96. Violations.

Violations of **SECTIONS 17-91, 17-92, 17-93 AND 17-94 OF** this article are civil traffic violations to which the provisions of section 17-2 of this article shall apply. **A VIOLATION OF SECTION 17-95 OF THIS ARTICLE IS A CIVIL VIOLATION AND SHALL BE CITED AND PENALIZED IN THE SAME MANNER AS PROVIDED BY LAW FOR OTHER CIVIL VIOLATIONS.**

(Ord. No. 2974, Sec. 4, 12-16-96)

PASSED AND ADOPTED by the City Council of the City of Scottsdale this ____ day of _____, 2005.

CITY OF SCOTTSDALE, an
Arizona municipal corporation

ATTEST:

Carolyn Jagger
City Clerk

Mary Manross
Mayor

APPROVED AS TO FORM:

Deborah Robberson
Acting City Attorney

Motorized Play Vehicles Council Work Study Session

October 11, 2005

Scottsdale Actions

Feb 8, 2005: City Council asked staff to conduct a public input process regarding the use and regulation of motorized skateboards and similar vehicles.

A staff working group was formed from:

- Citizen and Neighborhood Resources
- City Attorney's Office
- City Manager's Office
- Communications and Public Affairs
- Environmental Office
- Police
- Transportation

Scottsdale Actions

May 10, 2005: City Council Work Study Session

Staff was directed to return to Council with:

- Additional information on citation activity
- Assurance that the next Council session on this topic would be noticed to obtain broad input from the various stakeholders and to assure that youth are represented
- Two ordinance options, one modifying the current ordinance and one banning motorized play vehicles (MPVs)

Information Requested by Council

Call and Citation Data

From June 2003 through December 2004, the Scottsdale Police Department received 1,316 calls for service about motorized skateboards, mopeds, and motorcycles.

During this period, 23 citations were issued for violations of Scottsdale Revised Codes 17-91 through 17-96.

Two collisions involving motorized scooters were reported with one resulting in a fatality.

From January 1, 2005 through September 9, 2005, the Scottsdale Police Department received 253 calls for service about motorized skateboards, mopeds, and motorcycles. During this period, six citations were issued for violations of Scottsdale Revised Codes 17-91 through 17-96.

Information Requested by Council

Call and Citation Data

In calendar year 2004, Phoenix received 12,000 calls about motorized skateboards and scooters. Since the ban (December 15, 2004), their calls have been reduced by over 50%, and citations by 63%. Officer Sills, Phoenix PD, indicates that the number of calls and citations are going down each month.

(Awaiting Tucson PD response)

Information Requested by Council

The October 11, 2005 Work Study Session was noticed via:

- City web site posting
- Media/press release
- Information to local schools
- Personal contacts with known stakeholders

Information Requested by Council

MPV Ordinance Options:

- Additional Restrictions (Option A)
- Ban from all Public Property (Option B)
- No Change (Option C)

Ordinance Alternatives

Ordinance Restricting Use (Option A)

- Expands the restriction from City parking structures and City parks to include all public property except streets. (Does not change any of the current restrictions on streets. The devices will still be allowed on streets where the established speed limit is not greater than 25 mph.)
- Updates the definition of child.
- Changes the definition of motorized skateboard to match Arizona Revised Statutes Title 28.
- Adds a definition of motorized play vehicles.
- Clarifies the prohibition on alteration to the manufacturer's design to mean specifically the exhaust/muffler system.
- Restricts hours of operation to 8:00 a.m. to 8:00 p.m.
- Requires a rear lamp must be used at night.
- Clarifies helmet minimum standards.
- Requires sellers to post signs with certain sections of this ordinance in a conspicuous manner.

Ordinance Alternatives

Possible Modifications to Ordinance Restricting Use (Option A)

- Hours of Operation: Current recommendation of 8 a.m. to 8 p.m. could be 7 a.m. to 8 p.m.
- Helmets: Motorcycle helmets could be required instead of bicycle helmets.
- Responsibility of Custodian: Some communities make custodians jointly liable for fines imposed on children, whether or not the custodian knew or could anticipate a violation of the ordinance.
- Responsibility of Merchant: Merchants could be required to provide purchasers of motorized skateboards and motorized play vehicles copies of the ordinance.

Ordinance Alternatives

Ordinance Banning Use (Option B)

- Prohibits operation of the devices on all public property. (MPVs would still be allowed on private property and private streets.)
- Updates the definition of child.
- Changes the definition of motorized skateboard to match Arizona Revised Statutes Title 28.
- Adds a definition of motorized play vehicles.
- Requires sellers to post signs with certain sections of this ordinance in a conspicuous manner.

When operated on private property, the following modifications apply:

- Prohibits alterations from the manufacturer's design.
- Restricts hours of operation to 8:00 a.m. to 8:00 p.m.
- Requires a rear lamp must be used at night.
- Clarifies helmet minimum standards.

Ordinance Alternatives

Possible Modifications to Ordinance Banning Use (Option B)

- **Public vs. Private Streets:** Council could apply the ban to all streets, not just public streets. The additional restrictions regarding alterations to design, hours of operation, lighting, and helmets for private streets could also be eliminated.
- **Helmets:** Motorcycle helmets could be required instead of bicycle helmets.
- **Responsibility of Custodian:** Some communities make custodians jointly liable for fines imposed on children, whether or not the custodian knew or could anticipate a violation of the ordinance.
- **Responsibility of Merchant:** Merchants could be required to provide purchasers of motorized skateboards and motorized play vehicles copies of the ordinance.

Ordinance Alternatives

Leave Existing Ordinance in Place (Option C)